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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
DWIGHT RAMON POLLARD,  
  
Defendant.

2:08-CV-332 JCM (GWF)

**ORDER**

Presently before the court is defendant Kosoko's motion for a new trial. (Doc. #332). The defendant also filed a supplement to his motion. (Doc. #343). To date, the government has not responded.

Under Federal Rule of Criminal Procedure 33, a court may vacate any judgment and grant a new trial if the interest of justice so requires. For example, a motion for a new trial should be granted if the verdict was against the clear weight of the evidence or the failure to grant a new trial would result in a miscarriage of justice. *Roy v. Volkswagen of Am., Inc.*, 896 F.2d 1174, 1176 (9th Cir.1990). In deciding a motion for a new trial, the district court is free to weigh the evidence and evaluate for itself the credibility of the witnesses. *U.S. v. Alston* 974 F.2d 1206, 1211 (9th Cir. 1992).

The court finds that no new trial is warranted in this case. The defendant alleges that he was "placed in medical quarantine during trial" and that, as a result, he was "unable to furnish evidence at trial." (Doc. #332). In the supplement to his motion, defendant also appears to claim that he "refused his medication during trial." (Doc. #343). As the court stated in its previous order (doc.

1 #329), the court was apprised of the defendant's complaints numerous times before and during the  
2 trial, and consistently found his allegations to be without merit. The defendant has been provided  
3 with sufficient access to his standby counsel, evidence, and legal materials such that there has been  
4 no miscarriage of justice in this case.

5 Accordingly,

6 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's motion for a  
7 new trial (doc. #332) is DENIED.

8 DATED March 22, 2011.

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11 UNITED STATES DISTRICT JUDGE  
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